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1	Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)	
2	WATT, TIEDER, HOFFAR & FITZGERALD, L. 2040 Main Street, Suite 300	L.P.
3	Irvine, CA 92614 Telephone: 949-852-6700	
4	Facsimile: 949-261-0771 Email: jkearl@watttieder.com	
5	cholley@watttieder.com	
6	Attorneys for Creditor Barnard Pipeline, Inc.	
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8		BANKRUPTCY COURT FRICT OF CALIFORNIA
9		CISCO DIVISION
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10	In re:	Bankruptcy Case Case No. 19-30088 (DM)
11	PG&E CORPORATION,	Chapter 11
12	-and-	(Lead Case) (Jointly Administered)
13	PACIFIC GAS AND ELECTRIC COMPANY,	
14	Debtors.	
15	☐ Affects PG&E Corporation	NOTICE OF CONTINUED PERFECTION
16	☐ Affects Pacific Gas and Electric Company	OF MECHANICS LIEN PURSUANT TO 11 U.S.C. § 546(b)(2)
17	□ Affects both Debtors	Solano County (Lien 201900004644)
18	* All papers shall be filed in the Lead Case, No. 19-30088 (DM)	
19	1vo. 19-30088 (DIVI)	
20		
21	Barnard Pipeline, Inc. ("Barnard"), b	y and through its undersigned counsel, hereby gives
22	notice of continued perfection of its mechanic	cs lien under 11 U.S.C. § 546(b)(2), as follows:
23	Barnard has provided and deli	vered labor, services, equipment, and/or materials for
24	the construction and improvements of project	ts located in the County of Solano, State of California
25	(the "Property"), the legal description for whi	ich is set forth in the Claim of Mechanics Lien, a true
26	copy of which is attached hereto as Exhibit A	(the "Mechanics Lien").
27	2. The Property is owned by P	PG&E Corporation and/or Pacific Gas and Electric
28	Company (collectively, the "Debtors"), which	h filed voluntary petitions for relief under Chapter 11

FITZGERALD, L. Case: 19-30088 Filed: 04/15/19 Entered: 04/15/19/19/19/19/19 Page 9. \$ \$46(b)(2) Doc# 1428 19

of Title 11 of the United States Code (the "<u>Bankruptcy Code</u>") on January 29, 2019 (the "<u>Petition</u> <u>Date</u>").

- 3. On January 25, 2019, before the Petition Date, Barnard properly and timely recorded its Mechanics Lien under California Civil Code § 8400, *et seq.* in the Official Records of Solano County, State of California.
- 4. Through January 25, 2019, the amount owing to Barnard subject to its Mechanics Lien is at least \$134,646.92, exclusive of accruing interest and other charges, and additional amounts which have continued and are continuing, to accrue after the Petition Date.
 - 5. California Civil Code § 8460(a) provides that:

The claimant shall commence an action to enforce a lien within 90 days after recordation of the claim of lien. If the claimant does not commence an action to enforce the lien within that time, the claim of lien expires and is unenforceable[.]

- 6. Pursuant to California Civil Code § 8460, an action to enforce a lien must be commenced within 90 days after recordation of the claim of lien. However, section 362 of the Bankruptcy Code automatically stays Barnard from filing a state court action to enforce its mechanics lien. See 11 U.S.C. § 362.
 - 7. Section 546(b)(2) of the Bankruptcy Code provides that when applicable law

... requires seizure of such property or commencement of an action to accomplish such perfection, or maintenance or continuation of perfection of an interest in property; and ... such property has not been seized or such an action has not been commenced before the date of the filing of the petition; such interest in such property shall be perfected, or perfection of such interest shall be maintained or continued, by giving notice within the time fixed by such law for such seizure or such commencement.

See 11 U.S.C. § 362; see also Village Nurseries v. Gould (In re Baldwin Builders), 232 B.R. 406, 410-11 (9th Cir. 1999); Village Nurseries v. Greenbaum, 101 Cal.App.4th 26, 41 (Cal. Ct. App. 2002).

8. Accordingly, Barnard hereby provides notice of its rights as a lienholder in the Property pursuant to California's mechanics lien law. Barnard is filing and serving this notice to perfect, preserve, maintain, and continue the perfection of its lien and its rights in the Property to

comply with the requirements of California state law, 11 U.S.C. §§ 362(a), 362(b)(3), and 546(b)(2), and any other applicable law. This notice constitutes the legal equivalent of having recorded a mechanics lien in the recorder's office for the county where the Property is located and then having commenced an action to foreclose the lien in the proper court. By this notice, the Debtors and other parties in interest are estopped from claiming that the lawsuit to enforce Barnard's mechanics lien was not timely commenced pursuant to applicable state law. Barnard intends to enforce its lien rights to the fullest extent permitted by applicable law. The interests, perfected, maintained, or continued by 11 U.S.C. § 546(b)(2) extend in and to the proceeds, products, offspring, rents, or profits of the Property.

- The filing of this notice shall not be construed as an admission that such filing is 9. required under the Bankruptcy Code, the California mechanics lien law, or any other applicable law. In addition, Barnard does not make any admission of fact or law, and Barnard asserts that its lien is senior to and effective against entities that may have acquired rights or interests in the Property previously.
- The filing of this notice shall not be deemed to be a waiver of Barnard's right to 10. seek relief from the automatic stay to foreclose its mechanics lien and/or a waiver of any other rights or defenses.
 - Barnard reserves all rights, including the right to amend or supplement this notice. 11.

, 2019 Dated: April

WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.

By:

Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)

2040 Main Street, Suite 300

Irvine, CA 92614

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Facsimile: 949-261-0771 jkearl@watttieder.com Email:

cholley@watttieder.com

Attorneys for Creditor Barnard Pipeline, Inc.

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HOFFAR &

CERTIFICATE OF SERVICE

I hereby certify that on April 2019, I caused a copy of the foregoing Notice of Continued Perfection of Mechanics Lien Pursuant to 11 U.S.C. § 546(b)(2) to be sent via e-mail and/or first-class mail to the parties identified in the Master Core/2002 Service List attached hereto as **Exhibit B.**

Jane G. Kearl

Watt, Tieder,

HOFFAR & FITZGERALD, L.L.P. ATTORNEYS AT CASE: 19-30088 DO

Doc# 1428 Filed: 04/15/19

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WATT, TIEDER, HOFFAR & FITZORRALD, LASSE ATTORNEYS AT LASSE IRVINE	: 19-30088	Doc# 1428	Filed: 04/15/19 19	- 5 - NC Entered: 10491	OTICE OF CONTINU SYNGC & 3.1EQ: PGRS	JED PERFECTION OF HANGE TOOM U.S.C. §

Recording requested by: Barnard Pipeline, Inc.

And when recorded mail this document to:

Jane G. Kearl, Esq. Robert C. Shaia, Esq. Watt, Tieder, Hoffar & Fitzgerald, LLP 2040 Main Street, Suite 300 Irvine, CA 92614 Recorded in Official Records of Solano County

Marc C. Tonnesen Assessor/Recorder

BARNARD PIPELINE INC

Doc # 201900004644



1/25/2019 1:16:13 PM AR21

Tilles: 1 Pages: 3
Fees \$29.00
Taxes \$0.00
Other \$75.00
Paid \$104.00

For recorder's use

MECHANICS' LIEN (Cal. Civ. Code § 8416, et seq.)

1. BARNARD PIPELINE, INC. ("Claimant") claims a mechanics lien for the labor, services, equipment and/or materials described in paragraph 2, furnished for a work of improvement on that certain real property located in the City of Dixon, County of Solano, State of California, and more particularly described as:

All right, title and interest of Pacific Gas and Electric Company ("PG&E") in all easements and all improvements, structures, and pipelines therein, in or on which Claimant provided labor, services, equipment, and/or materials as set forth in paragraph 2, including, specifically, without limitation, all right, title and interest of PG&E in improvements, structures and pipelines located approximately from 9075 Old Davis Road, north along the roadway to Levee Road.

- 2. After deducting all just credits and offsets, the sum of \$134,646.92 together with interest at the rate of 10% per annum from January 22, 2019, is due Claimant for the following: labor, services, equipment and/or materials for replacing approximately 1500 feet of 10-inch high pressure gas line, including 500 feet of pipe installed by hangers on bridge crossing, and related construction work performed under the Alliance Agreement Contract between Claimant and PG&E and Contract Work Authorization No. C9708, or as otherwise requested by PG&E.
- 3. Claimant furnished the labor, services, equipment and/or materials, at the request of: PG&E.
- 4. The name and address of the owner(s) or reputed owner(s) of the real property is/are: PG&E, 77 Beale Street, 32nd Floor, San Francisco, CA 94105.

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5. Claimant's address is: 701 Gold Avenue, Bozeman, MT 59715.

Dated January 22, 2019

BARNARD PIPELINE, INC.

By: ______

VERIFICATION

I, Zach Bowler, am the Vice President of Claimant on the foregoing Mechanics Lien and am authorized to make this verification for and on its behalf. I have read the foregoing Mechanics Lien and know the contents of the Mechanics Lien to be true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated <u>January</u> 22, 2019

Zach Bowler, Vice President

NOTICE OF MECHANICS LIEN

ATTENTION!

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS STATE LICENSE BOARD WEB SITE AT www.csib.ca.gov.

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PROOF OF SERVICE

I, Julie Benton, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2040 Main Street, Suite 300, Irvine, California 92614-6232.

On January 23, 2019, I served \square the originals \boxtimes true copies of the following document(s) described as MECHANICS LIEN and NOTICE OF MECHANICS' LIEN on the interested parties in this action, by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Irvine, California addressed as set forth below:

Pacific Gas & Electric Company (PG&E) 77 Beale Street, 32nd Floor San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 23, 2019, at Irvine, California.

alie Benton



WATT, TIEDER,
HOFFAR &
FITZGERALD, L.L.P.

PROOF OF SERVICE

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			20 Bicentennial Circle		Sacramento	5	95826	916-379-3500	916-379-3599	scampora@dbbwc.com
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Greenberg Traurie IIP	De La	Attn: Diane Vuocolo	1717 Arch Street	Suite 400	Philadelphia	A S	19103	310-586-7700	310-586-7800	steinbergh@gtlaw.com
GREENBERG TRAURIG, LLP	3,11.9	Attn: Howard J. Steinberg	1840 Century Park East	Sulte 1900	Can Eranciero	5 5	94111	415-655-1300	415-707-2010	hoguem@gtiaw.com
Counsel (CB) by Pipeline, L.L.C., Cardno, Inc. GREENBERG TRAURIG Counsel (cD) and County of San Francisco,	q, up	Attn: Michael Hogue	4 Embarcadero Center	Suite Suno						
	Greene Radovsky Maloney Share & Hennigh LLP	Attn: Edward J. Tredinnick	Four Embarcadero Center	Suite 4000	San Francisco	5	94111-4106	415-981-1400	415-777-4961	etredinnick@greeneradovsky.com
Counsel to the Three Association, Counsel for for Day Counsel for for Day Counsel for Adia and Ramino Randiquez (Counsel for Toda and Adelina McNelve, Counsel for Toda and Adelina McNelve, Counsel for Day and Adelina McNelve, Counsel for Day and Cathy Dorrance, Counsel for Laura Hart, Counsel for Minh		Annie Griner G. Grocce	The Embarcadero	Pler 9 Sulte 100	San Francisco	đ	94111	415-671-4628	415-480-6688	s sgross@grosskleinlaw.com
GROSS & KLEIN LLP		Attn: Mark S. Grotefeld, Maura Walsh	700 Larkspur Landing Grcle,		ě,	ć	04030	415-344-9670	415-989-2802	mochoa@phaw-ilp.com wpickett@ghlaw-ilp.com
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